

Remarks

The Examiner has rejected the Claims 17-21 under 35 U.S.C. 103(a) as being unpatentable over Holtzman et al. (US 7,195,761) in view of Seiffert et al. (US 6,518,011). The Examiner reasons that Holtzman et al. teach the production of 99% pure abeta antibody recombinant product and Seiffert et al teach that the native abeta peptide production/ accumulation is suppressed in the presence of gamma secretase inhibitors in an *in vitro* cell culture. Thus, one of skill in the art would clearly be motivated to suppress peptide production in cells modified to produce an antibody to this peptide for the expected benefits in avoiding interaction between peptide and antibody to this peptide.

Applicants submit that this rejection is improper for the reasons stated below and respectfully assert that the Examiner has failed to set forth a *prima facie* case of obviousness. As such, Applicants request withdrawal of the rejection.

Applicants surprisingly discovered during the preparation of anti-A β antibodies that A β peptide (endogenously produced in most mammalian cell lines commonly used to express antibodies) binds to the expressed anti-A β antibody at low levels and is carried through the cell culture and purification process. This discovery has led to the development of processing conditions of the claimed invention. Considering that the A β peptide contamination of recombinantly-produced anti-A β antibody material was previously unknown, the solution to solving this problem cannot be obvious. While Holtzman et al. refers to contaminants, it is silent as to whether the contaminant is indeed Abeta peptide. Therefore, in contrast to Examiners assertion, it is irrelevant whether Holtzman et al. teach production of 99% pure abeta antibody recombinant product since nowhere in the application does it indicate that they were aware of the abeta peptide contaminant. "The Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor, would select the elements from the cited prior art references for combinations in the manner claimed." *In re Rouffet*, 149 F.3d 1350 (Fed. Cir. 1998). Holtzman et al. in view of Seiffert et al. does not disclose or-even suggest that the problem of the present invention exists. It therefore follows that the skilled artisan would not be motivated by the cited prior art to identify the solution provided in the present invention.

Conclusion

In view of the above arguments and remarks, Applicants courteously solicit reconsideration of these rejections and passage of this case to issuance.

Respectfully submitted,

/Sanjay M. Jivraj/
Sanjay M. Jivraj
Attorney for Applicants
Registration No. 61,806
Phone: 317-433-3495

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

Dec 7, 2009